

## **REMARKS**

Claims 26-36 were pending. Claims 26, 27, and 29-36 have been amended. Accordingly, claims 26-36 remain pending in the application.

Support for the amendments to independent claims 26, 32, 34, and 36 may be found in Applicant's specification at least in paragraphs [0031] through [0033]. Support for the amendments to claims 27, 33, and 35 may be found in Applicant's specification at least in paragraph [0036]. A Request for Continued Examination is submitted herewith, and entry of the amendments is respectfully requested.

### **Rejection of the Claims Under 35 U.S.C. § 102(b) and § 103(a)**

Claims 26, 28-32, 34 and 36 are rejected under 35 U.S.C. § 102(b) as being anticipated by Menard, et al. (U.S. Patent Application Publication No. 2002/0184065, hereinafter "Menard"). Claims 27, 33, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Menard in view of Siegel, et al. (U.S. Patent No. 6,782,345, hereinafter "Siegel"). Applicant respectfully traverses the rejections and requests reconsideration in view of the following remarks.

Anticipation under § 102(e) requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed below, Menard fails to disclose each and every element of the claimed invention.

Claim 26 (as amended) recites, in pertinent part:

A method comprising:  
detecting a change to a database system;

determining a plurality of predicted outcomes resulting from the detected change, wherein the plurality of predicted outcomes relate to future operation of the database system;

monitoring the database system for an occurrence of at least one of the predicted outcomes;

based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and

based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes.

Applicant respectfully submits that Menard does not teach or suggest a method comprising “monitoring the database system for an occurrence of at least one of the predicted outcomes; based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes” in combination with the remaining features of claim 26. Menard discloses techniques for capturing and evaluating knowledge about system behavior (see, e.g., Menard’s Abstract). Menard further discloses that a predictive analysis engine warns the user by estimating the time available until resources are depleted or until a failure occurs (see, e.g., paragraph [0039]). Therefore, Menard identifies trends based on past performance and projects those trends into the future. However, Menard does not teach or suggest performing actions after the predictive analysis such as **monitoring the database system for an occurrence of at least one of the predicted outcomes**; based on the monitoring, **detecting the occurrence of at least one of the predicted outcomes**; and based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes.

Applicant further submits that Siegel, taken individually or in combination with Menard, does not teach or suggest a method comprising “monitoring the database system for an occurrence of at least one of the predicted outcomes; based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes” in combination with the remaining features of claim 26. With reference to previous claim 27, the Final Office Action asserts that Siegel teaches similar

features in passages such as col. 11, lines 50-60. In col. 11, lines 50-60, Siegel discloses that diagnostics may be re-initiated to verify that a repair has been completed or that a device is operating within specifications when operating according to revised parameters. However, Siegel does not disclose that the verified states (e.g., a completed repair or performance within specifications) relate to **predicted outcomes**. Therefore, Siegel does not teach or suggest monitoring a system (such as a database system) for an occurrence of at least one of the predicted outcomes; based on the monitoring, detecting the occurrence of at least one of the predicted outcomes; and based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes.

For at least the reasons discussed above, Applicant respectfully submits that the independent claims 26, 32, 34, and 36 are patentably distinct from the cited references.

Claim 27 (as amended) recites, in pertinent part:

The method of claim 26, further comprising:

- generating a determination that the change to the database system has decreased performance of the database system;

- determining a degree of confidence in the determination that the change to the database system has decreased performance of the database system; and

- displaying to the user the degree of confidence in the determination that the change to the database system has decreased performance of the database system.

Applicant respectfully submits that Menard and Siegel, taken individually or in combination, do not teach or suggest a method comprising “determining a degree of confidence in the determination that the change to the database system has decreased performance of the database system; and displaying to the user the degree of confidence in the determination that the change to the database system has decreased performance of the database system” in combination with the remaining features of claim 27 and the base claim 26. For similar reasons, claims 33 and 35 are patentably distinct from the cited references.

The remaining dependent claims are patentably distinct from the cited references for at least the reasons discussed above with respect to their base claims. Because the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Accordingly, Applicant respectfully requests withdrawal of the § 102(b) and § 103(a) rejections.

In light of the foregoing amendments and remarks, Applicants submit that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

## **CONCLUSION**

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-14800.

Respectfully submitted,

/ B. Noël Kivlin /

---

B. Noël Kivlin  
Reg. No. 33,929  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,  
Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Phone: (512) 853-8800  
Date: October 4, 2007